

FORM-PTO-1390 (Rev. 12-29-99)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 025265-200 U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 09/856,328
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		#4	
INTERNATIONAL APPLICATION NO. PCT/AU99/01029	INTERNATIONAL FILING DATE November 19, 1999	PRIORITY DATE CLAIMED November 30, 1998	
TITLE OF INVENTION COATED LENS EXHIBITING SUBSTANTIALLY BALANCED REFLECTANCE			
APPLICANT(S) FOR DO/EO/US Brandon YIP, Brian Douglas ADAMS and Paraic BEGLEY			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:			
1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.			
2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.			
3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and the PCT Articles 22 and 39(1).			
4. <input type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.			
5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))			
a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).			
b. <input type="checkbox"/> has been transmitted by the International Bureau.			
c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)			
6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).			
7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))			
a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).			
b. <input type="checkbox"/> have been transmitted by the International Bureau.			
c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.			
d. <input type="checkbox"/> have not been made and will not be made.			
8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).			
9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).			
10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).			
<b>Items 11. to 16. below concern other document(s) or information included:</b>			
11. <input checked="" type="checkbox"/> An Information Disclosure Statement Transmittal, Information Disclosure Statement and form PTO-1449 with 17 documents, under 37 CFR 1.97 and 1.98			
12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.			
13. <input type="checkbox"/> A FIRST preliminary amendment.			
<input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.			
14. <input type="checkbox"/> A substitute specification.			
15. <input type="checkbox"/> A change of power of attorney and/or address letter.			
16. <input checked="" type="checkbox"/> Other items or information:			
Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)			

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.50) <b>09/856,328</b>		INTERNATIONAL APPLICATION NO. <b>PCT/AU99/01029</b>		ATTORNEY'S DOCKET NUMBER <b>025265-200</b>	
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<b>17. <input checked="" type="checkbox"/> The following fees are submitted:</b>	<b>CALCULATIONS</b>	PTO USE ONLY			
<b>Basic National Fee (37 CFR 1.492(a)(1)-(5)):</b>  Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$1,000.00 (960)  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$860.00 (970)  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$710.00 (958)  International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$690.00 (956)  International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00 (962)					
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>		<b>\$</b>			
Surcharge of <b>\$130.00 (154)</b> for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)). <span style="float: right;">20 <input type="checkbox"/> 30 <input checked="" type="checkbox"/></span>		<b>\$ 130.00</b>			
Claims	Number Filed	Number Extra	Rate		
Total Claims	39 -39 =	0	X\$18.00 (966)	\$ -0-	
Independent Claims	4 -4 =	0	X\$80.00 (964)	\$ -0-	
Multiple dependent claim(s) (if applicable)			+ \$270.00 (968)	\$ -0-	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$ 130.00</b>	
Reduction for 1/2 for filing by small entity, if applicable (see below).				\$ -0-	-
<b>SUBTOTAL =</b>				<b>\$ 130.00</b>	
Processing fee of <b>\$130.00 (156)</b> for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492(f)). <span style="float: right;">20 <input type="checkbox"/> 30 <input type="checkbox"/></span>			<b>\$</b>		
<b>TOTAL NATIONAL FEE =</b>				<b>\$ 130.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00 (581)</b> per property +				<b>\$</b>	
<b>TOTAL FEES ENCLOSED =</b>				<b>\$ 130.00</b>	
				<b>Amount to be:</b> <b>refunded</b>	<b>\$</b>
				<b>charged</b>	<b>\$</b>

  

a. ☐ Small entity status is hereby claimed.

b. ☒ A check in the amount of \$ 130.00 to cover the above fees is enclosed.

c. ☐ Please charge my Deposit Account No. 02-4800 in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

d. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-4800. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

  

SEND ALL CORRESPONDENCE TO:

**Samuel C. Miller, III**  
 BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
 P.O. Box 1404  
 Alexandria, Virginia 22313-1404  
 (703) 836-6620

\_\_\_\_\_  
 SIGNATURE  
 Samuel C. Miller, III  
 \_\_\_\_\_  
 NAME  
  
27,360  
 \_\_\_\_\_  
 REGISTRATION NUMBER



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO. 09/856328 FIRST NAMED APPLICANT YIP B ATTY. DOCKET NO. 025265-200\*

INTERNATIONAL APPLICATION NO.

PCT/AU99/01029

JAMES W PETERSON  
BURNS DOANE SWECKER & MATHIS  
P O BOX 1404  
ALEXANDRIA, VA 22313 1404

I.A. FILING DATE 19 NOV 99 PRIORITY DATE 30 NOV 98-TXF

DATE MAILED: 22 JUN 2001

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- ☒ U.S. Basic National Fee. ☐ Indication of Small Entity Status.  
☒ Copy of the international application. ☐ Translation of the international application into English.  
☒ Oath or Declaration of inventors(s). ☐ Translation of Article 19 amendments into English.  
☐ Copy of Article 19 amendments. ☐ Other:  
☒ Priority Document.  
☒ The International Preliminary Examination Report in English and its Annexes, if any.  
☐ Translation of Annexes to the International Preliminary Examination Report into English.

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.  
☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**Enclosed: ☒ PCT/DO/EO/917  
☐ PTO-875☐ Notice of Defective Translation  
☐ PCT/DO/EO/920

Barbara A. Campbell

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-3631

JWP | scm  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
RECEIVED

JUN 26 2001

DOCKETED 6-26-01

DECLARATION DUE 8-22-01



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
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U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/856328	YIP	B 025265-200
INTERNATIONAL APPLICATION NO.		
PCT/AU99/01029		
I.A. FILING DATE	PRIORITY DATE	
19 NOV 99	30 NOV 98	
DATE MAILED: 22 JUN 2000		

JAMES W PETERSON  
BURNS DOANE SWECKER & MATHIS  
P O BOX 1404  
ALEXANDRIA, VA 22313 1404

**NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION**

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371(c)(4) for entry into the national stage in the United States of America. The period within which to correct the deficiency noted below and avoid abandonment is set in the accompanying Notification.

A new oath or declaration, properly identifying this application (preferably by the international application number and international filing date) is required. The oath or declaration does not comply with 37 CFR 1.497(a),(b) and (f) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the application to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

**FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b), AND 1.497(d) WHERE APPROPRIATE, WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.**

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the mailing address of each inventor. If the residence is different from the mailing address, then the city and state or city and foreign country of residence of each inventor must also be given.
2. ☐ does not state that the person making the oath or declaration:
  - a. ☐ has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b. ☐ acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate for which a claim for priority is made pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.

Barbara A. Campbell

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